

# SZAFERMAN LAKIND

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August 21, 2014  
**Via Electronic Filing**

The Honorable Steven M. Gold,  
U.S. Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

Re:     Sabella v. American Stevedoring, Inc. and ILA, Local 1814  
Docket No. 1:06-cv-6566-NG-SMG

Dear Judge Gold:

In accordance with Your Honor's Order and request (ECF Document No. 172), and assuming ASI's motion in limine regarding the Feliu (and McCausland) investigations is granted, and the jury is simply informed of the outcome of the investigation sustaining the cause for Plaintiff's suspension, and termination, then ASI's "pared down" witness list consists of the following:

1. Sal Buzzetta, Tractor Foreman at ASI
2. Frank Jordan, Terminal Manager at ASI
3. Sabato Catucci, CEO of ASI
4. Keith Catucci, President of ASI
5. Matthew Yates, Director of Commercial Operations at ASI
6. Carmine (Sonny) Moschell, New York Container Terminal Shop Steward
7. Angelo Spano, General Assistant to the General Foreman and the Assistant to the Marine Tractor Foreman at New York Container Terminal
8. NYSA Records Custodian (NYSA to supply new name due to retirement of last two named witnesses) re wages and all other work records.

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If ASI's motion regarding the Feliu (and McCausland) investigations is not granted, then ASI requests to call all the witnesses on its witness list regarding the underlying cause for Plaintiff's suspension, and termination.

The ASI motion in limine also covers other topics, which if granted, would preclude other witnesses from testifying (if called by other parties) or from having to testify (if called by ASI).

Finally, ASI will call Plaintiff Michael Sabella, Louis Pernice, President of Local 1814, and Frank Agosta, Local 1814 Delegate, if not called by any other party.

Sincerely,



Janine G. Bauer

- c.     Justin Clark, Esq.
- Russell S. Moriarity, Esq.
- John P. Sheridan, Esq.